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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,875	03/14/2000	John M. Packes JR.	99-049	7997

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EXAMINER

WHITE, CARMEN D

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/525,875

Applicant(s)

PACKES ET AL.

Examiner

Carmen D. White

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-68 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-31, 53-54 and claim 66, drawn to a method of processing lottery ticket sales classified in class 463, subclass 17.
- II. Claims 32-33 drawn to a method of processing lottery ticket sales wherein if at least one of the sets of multiplier play indicia is a winning set, a multiplier is issued that can be applied to at least one value of the winning sets of lottery play indicia, classified in class 463, subclass 17.
- III. Claim 55 drawn to a method of processing lottery ticket sales, wherein the multiplier includes a number representative of a number of winning sets of play indicia to which the multiplier can be applied, classified in class 463 subclass 17.
- IV. Claims 34-43, drawn to a method of processing lottery ticket redemptions, classified in class 463, subclass 17
- V. Claims 44-49, drawn to a method of operating a lottery, classified in class 463, subclass 17.
- VI. Claim 50, drawn to a computer-readable storage medium encoded with processing instructions that calculates a purchase price of a multiplier, classified in class 463, subclass 43.

- VII. Claims 51-52, drawn to a computer-readable storage medium encoded with processing instructions that multiplies the value of the first set of play indicia by the multiplier classified in class 463, subclass 43.
- VIII. Claims 60-61, drawn to a method for a lottery player to increase a payout, classified in class 463, subclass 26.
- IX. Claims 62-65 drawn to a lottery ticket, classified in class 283, subclass 903.
- X. Claims 56-59 and 67-68, drawn to a lottery system, classified in class 463, subclass 17.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV, V, VI, VII, VIII, IX and X and are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method of processing lottery ticket sales, whereby the player chooses the multiplier. Invention II has separate utility such as a method of processing lottery ticket sales wherein if at least one of the sets of multiplier play indicia is a winning set, a multiplier is issued that can be applied to at least one value of the winning sets of lottery play indicia. Invention III has separate utility, such as a method of processing lottery ticket sales, wherein the multiplier includes a number representative of a number of winning sets of play indicia to which the multiplier can be applied. Invention IV has separate utility such as a method of processing lottery ticket redemptions. Invention V has separate utility such as a method

Art Unit: 3714

of operating a lottery. Invention VI has separate utility such as a computer-readable storage medium encoded with processing instructions that calculates a purchase price of a multiplier. Invention VII has separate utility such as a computer-readable storage medium encoded with processing instructions that multiplies the value of the first set of play indicia by the multiplier. Invention VIII has separate utility such as a method for a lottery player to increase a payout. Invention IX has separate utility such as a lottery ticket. Invention X has separate utility such as a lottery system. See MPEP § 806.05(d).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification (Groups 1-5 & 10 are classified in 463/17; Groups 6 & 7 are classified in 463/43; Group 8 is classified in 463/26; Group 9 is classified in 283/903), restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.


Art Unit: 3714

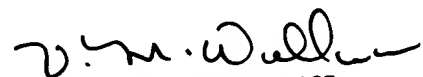
***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 703-308-2217. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

  
C. White  
Patent Examiner

  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700